

Triginal D. Jackson
Name

2703 1/2 Valverde Rd SW

ABQ., NM 87105
Address

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

08 NOV 25 PM 2:17

CLERK ALBUQUERQUE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Triginal Dean Jackson, Plaintiff
(Full Name)

CIV - 08 - 1108 wps/LAM
CASE NO.

(To be supplied by the Clerk)

Mathew Vollmer v. Tommy Valdez
DAVID FOX, Defendant(s)
M. Brodbeck
City of Albuquerque NM
Albuquerque Police Department

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Triginal D. Jackson, is a citizen of WI., UT
(Plaintiff) (State)
who presently resides at 2703 1/2 Valverde Rd SW
(Mailing address or place of confinement)
ABQ., NM 87105

2) Defendant Albuquerque Police Department is a citizen of
(Name of first defendant)
Albuquerque, NM, and is employed as
(City, State)
Enitivity. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
APD is the respondent superior.

- 3) Defendant Mathew Vollmer is a citizen of
(Name of second defendant)
Abq. NM, and is employed as
(City, State)
Police Officer P/IC At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain:

M. Vollmer is a officer of APD and enforce state and local laws. His action were done in the effo enforcement of the NAME of the law. even I had a hearing set for 9-11-08 and was arrested and held to present my appearance. Courts Protection is critical

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case. *On Feb 3, 2008 M. Vollmer filed complaint stating he had been Assaulted by me. This was false charges. There was 4 other issue raised. Officer took property from me and destroyed it. Just as the lady stole my ^P20 and cell phone this officer stole the rest of my property. I served 76 days in-jail for false charges and Excess charges. These officers discriminated against me because I was not from here.*

Count 1: False Imprisonment, False Charges, malicious prosecution, negligence and gross negligence, Excessive charges, Title 18, United States Code (U.S.C.), Section 241 (Conspiracy Against Rights); . Title 18, U.S.C., Section 242 (Deprivation of Rights under Color of Law);

Asgari v. City of Los Angeles, 15 Cal.4th 744, 63 Cal.Rptr.2d 842 (Cal., 1997) the California Court of Appeal held that a person who accuses another of a crime is liable for **false imprisonment** if the accuser knowingly makes **false** statements to the police with the intent to induce an arrest

Battery: Donna Trujillo her, girl friend (unnamed) and Ruben Mestre all were in on this. They robbed me for my cell phone. Officers search the two ladies for my money and said they did not have it then told me my loss they also released these ladies without returning my cell phone. Male officers did the search. I was released because there wasn't a battery on my part. Secondly assault on an officer I did not throw a can at the officer. An aggressive look is not a battery I don't have to smile because he is an officer. Assault requires and immediate threat of danger. The rest of these charges where also bogus. In ever state I have been in these charges would amount a citation not state charges. Charges are determined by magnitude not what officers want to charge you with. I never faced my accusers.

Count 2: False Light, libel, defamatory Title 18, U.S.C., Section 1001 (False Statements or Entries Generally); Slander

Reckless disregard for the truth. **Moore v. Big Picture Co., 828 F.2d 270 (C.A.5 (Tex.), 1987)** I did not threaten officer. Officer M. Vollmer is creating a pattern that sheds false-light. When other officers look at my arrest record they see someone who has caused their brother harm I have not. We have seen in many cases there results (Rodney King). And when jobs look at this they see some one who is a danger to society. This is false light, self-defense is the amount that I do if no one has harmed me I don't harm no one. Now I am labeled as a person who assaults officers. Look at what Tommy did.

Count 3: Battery 30-3-4, due process clause of the 14th, 4th Amend Search and Due Process.

Vollmer used deceit to steal my property. He did not report my property until I came looking for it. An unlawful detention an illegal confiscation of property would be abuse of power. **414 U.S. 1033, 94 S.Ct. 462 Johnson v. Glick test 109 S.Ct. at 1873 n.** Tommy was subject to plenary power of the state. Tommy Valdez of Risk Management on 06-20-2008 made agreement to pay me \$400 for stolen property this did not include all of my property nor did it involve any suit against the officer. Tommy changed the agreement thus we had a disagreement Tommy put his hands on me. I filed complaints with Tommy supervisor denied, POC denied, and 311 denied.

Count 4: Due Process: Theft, invasion of privacy

Claim "is based on `a denial of fundamental procedural fairness and

Based on the 'exercise of power without any reasonable justification in the service of a legitimate governmental objective. Theft is not justification' The Fifth Amendment to the Constitution says: 'nor shall private property be taken for public use, without just compensation. These officers took my property and destroyed it without just cause and felled to report what they did to their superiors. Metheny v. State, 755 A.2d 1088 (Md., 1998) My personal papers was in my bag, pictures of friends and family. This officer did not inventory the property in my bag.

Count 5 Discrimination, Efacto policy, legal egalitarianism

These people committed a crime. None of these people were arrested, cited, or even properly searched because I was not from NM 109 us 3. I was held to a different standard and my rights were violated. Officer maintained surveillance on me, but allowed these people to leave unabated. They filed false charges against me and failed to appear to allow me to face my accusers. I requested to file charges of theft against Officer M. Vollmer. Sgt. Apoddaca I.D 678 refuse he said I am not an officer. I filed a complaint against Vollmers with POC, his Sgt.,LT., captain, chief, I. Mason, Internal affairs. When I informed Risk Mgt. of APD that I would be seeking relief via court the supervisor told me we will hold you up in court for years.

Count 6: vicarious liability, Command responsibility, agency – respondent superior – Contributory negligence, Enterprise liability Title 42 U.S.C., Section 14141 (Pattern and Practice)

Lack of supervision/monitoring of officers' actions. When I contacted these people about my property they had no ideal where it was at nor why this officer did not place in evindence. Nor did these people address the issue instead they all are treating me like I rob the officer. A Lt. told me get away from his car and 4 to 5 patrolmen threaten to arrests me if I did not. Lack of, or improper training of officers This officer could not have been train not to violate policy because this officer followed the old ideal that entrapment is not a problem and his brethren will stand behind him. A department having a citizen complaint process which treats complainants as adversaries These people did not want to allow me to pursue this issues. It is not my job to known the policies of the police department, this examiner is filing my complaint off what I know of policy. I wrote what happen down on the complaint form , he should have filed my issues from there. An official did violate the color of law statute by fabricating evidence against and conducting a false arrest of me. I did not throw anything at officer and his false statements about me assaultting. Officers set me up with the robbery and other false/ excessive charges. Title VI of the Civil Rights Act of 1964 refusal by the agency to respond to complaints alleging discriminatory treatment by its officer. Internal affairs refused to address this complaint. POC was only concern with property issues. There was not an official place to file complaint against Tommy so I filed at the Mayors officer I still have not heard from them. I filed with POC denied, I talked his supervisor and filled will head of 311.

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☒ No ☐ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs:

Triginal Dean Jackson

Defendants:

ABA. Public Defender office

b) Name of court and docket number:

None Just filed

08 CV 1091 PSK/IFG

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A Just filed
still p

d) Issues raised: False Imprisonment, False Charge, Slander, False Light
Reformation of Charter, In-effective counsel, Search + Seizure, Ect.

e) Approximate date of filing lawsuit: 11/19/08f) Approximate date of disposition: N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought. *I contacted I. Mason in City Council, the Chief of Police and the 5 position under him, Internal Affairs Unit, Police Oversight Commission and Rick Mgt. POC took up the issue. They the officer did destroy my property. CPC 068-08*

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

*1 million
False ARREST removed from Record.
Attorney fees. These people ARE Being sue in
thier personal & Professional capacities*

Signature of Attorney (if any)

James D. Jackson

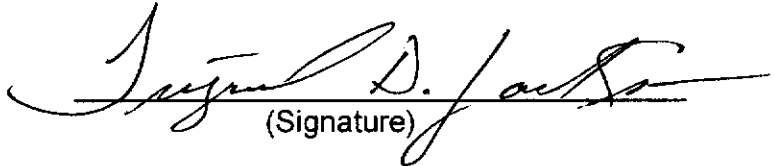
Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at 2703 1/3 Val Verde Rd Sw on Nov. 18 2008
(Location) (Date)


(Signature)

City of Albuquerque
DFA/Risk Management
P.O. Box 470 Albuquerque, NM 87103

Important Information: *06-20-2008*

Your Claim Number: _____

Your Adjuster: *Tammy Vallejo*

Adjuster Phone Number: *768 3080*

Notes: *I have agreed to pay Mr. Jackson
40% of the settlement of the claim for
property damage*

Tennessee Vital Records
Central Services Building
1st Floor
421 5th Ave North
Nashville, Tenn. 37243
* 1755 PARK AVE
Dyersburg, TN 38024

NAME: Domenico
 ADDRESS: 2911 8th St NE #190
 DATE OF BIRTH: 12-23-70
 AGE: 37
 SSN: [REDACTED]

ALBUQUERQUE POLICE DEPARTMENT
 ALBUQUERQUE, NEW MEXICO
 DATE:
 TIME:
 CASE NUMBER: 08-47457

HOME TELEPHONE: _____

WORK TELEPHONE: _____

I, Domenico, willingly and voluntarily give this statement to Officer/Detective _____ who I know to be a member of the Albuquerque Police Department. I understand that I do not have to give a statement and any statement that I do give can be used in a court of law if necessary.

STATEMENT

I was walking by, got attacked
don't know him personally.
Domenico

2008 FEB -1, PM 11:39

END OF STATEMENT

THE ABOVE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY BY ME. I HAVE READ THE ABOVE STATEMENT AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: _____

SIGNED: Domenico

WITNESS: _____

DATE: _____

STATEMENT

Please describe both the incident and the specific nature of your complaint as completely as possible. Be sure to give the names, addresses and phone numbers of any witnesses of which you are aware. Be as specific as possible about the details such as exactly what was said, time and dates of incident. Identify the exact location of the incident, identification of the officers involved, if known. If officer's names are not known, please include detailed descriptions of officers. Be specific, it is important to provide as much information as possible. Attach additional sheets if necessary. Please feel free to include any other relevant information or items (pictures, witness statements, etc.)

On 3-02-08 I (Trigian D. Jackson) was arrested. Officer filed a false complaint against defendant. Malicious prosecution. Knowing that I did not Batter anyone he charged me with a battery to a female. Then charged me with a battery to an Officer. False Charges: Disorderly conduct, DIP, Littering. But even if any of these held water they would be excessive in nature. Know is sentence to 76 days for citation offences thus false imprisonment. At that time I was traveling between States and this officer took my gym bag containing my personal property. Once released I was trying to get my property back and was told my property No. was 08-47457 but there was no property thier. As I stated the day I was Arrest this officer assisted in the robbery. After being released my property is missing. I told Rick Mgt.

(Statement continued)

DIP this officer never seen me drink
Littering, I did what he asked. But
I did not pick up the car.

How many people do you know just
start hitting people for ~~know~~ reason?
This lady made such a claim. The truth
was she and her friends were robbing
me. The officer came and help them
out. They took \$20 and my cell phone
The officer delayed and latter took
my gym bag and it's items.

As for witnesses there are several, but
I don't know them. This happen on 4th
Central and there were crowds of people.
Someone there knew what was going on.
This officer had me under surveillance
the entire time. Thus he had planned
to arrested me. 109 US 3 + Gomez
V. U.S.

(Statement continued)

They said they could not help me because I had no address. (Monica) is the person I talked to. I offer my e-mail address. She said this was not enough. My property was a black gym bag containing 2 hair clippers, Birth certificate, MVD Record, 5 pairs of pants, 5 T-shirt, hygiene, 1 pair of Black gym shoes, CD player, 6 CD and other items. 310 dollar money order written to MVD.

Assault to an officer: This officer stated that he was Assaulted yet he refused to attend court so I could face my accuser. Basically he used a loop in the law to obtain conviction without due process of law. When someone claims Assault most people think they were hit he admits only that he was not hit. Battery to the female If I had done this this it would have been the no other charges because that is enough to arrest. This officer released me.

(Statement continued)

My property / CASE NO. is 08-47457

When I was requested to put my hands up and turn AROUND I did. Yet these officers reached for their guns. It Outragious when the police result to Arm Robbery and false imprisonment on people who are not breaking the law. This was both discrimination and false imprisonment.

STATE OF NEW MEXICO
-VS-ARTICLE 2
INITIATION OF PROCEEDINGS
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

Name:	<u>JACKSON, TRIGINAL D.</u>	Arrest Date:	<u>2/3/08</u>
Address:	<u>235 S RIO GRANDE</u>	Driver Lic. #:	<u></u>
	<u>SALT LAKE CITY, UT 84101</u>	Citation #:	<u></u>
D.O.B.	<u>3/18/71</u>	Arrest #:	<u></u>
S.S.N.	<u>393-82-9938</u>	Docket #:	<u></u>
Charge:	<u>DISORDERLY CONDUCT, DRINKING IN PUBLIC, LITTERING, ASSAULT ON A POLICE OFFICER, BATTERY</u>	Date Filed:	<u></u>

Complainant or Officer: M. VOLLMER Man #: 3386**CRIMINAL COMPLAINT**

The undersigned, under penalty of perjury, complains and says that on or about the 3RD day of FEBRUARY 20 08, in the County of Bernalillo, State of New Mexico, the above-named defendant(s) did (here state the

Essential facts):

ON 2/3/08 OFFICERS WERE ADVISED OF A POSSIBLE FIGHT IN PROGRESS AT 4TH AND CENTRAL. OFFICER M. BRODBECK #3269 ARRIVED ON SCENE PRIOR TO ME ARRIVING. AS I ARRIVED ON SCENE I NOTICED A MALE LATER IDENTIFIED AS TRIGINAL JACKSON, WAS STANDING NEXT TO A FEMALE (DONNA TRUJILLO), OFFICER BRODBECK WAS TRYING TO GET MR. JACKSON TO SIT ON THE CURB, HOWEVER THE MALE WAS NOT LISTENING AND WAS YELLING. MR. JACKSON APPEARED TO BE EXTREMELY UPSET, NOT KNOWING WHAT HAD JUST TRANSPIRED I DID A PAT DOWN ON MR. JACKSON, I COULD IMMEDIATELY TELL THAT MR. JACKSON APPEARED TO BE EXTREMELY INTOXICATED, AND HE CONTINUED TO BE VERBALLY AGGRESSIVE WITH ME, STATING "FUCK THIS". AT THIS TIME I PLACED MR. JACKSON INTO HANDCUFFS FOR OFFICER SAFETY, TO PREVENT ANY ALTERCATION FROM OCCURRING. AFTER BEING HANDCUFFED I THEN LEARNED THAT MR. JACKSON HAD BEEN HITTING A FEMALE SUBJECT WITH A CLOSED FIST ON THE SIDEWALK ON 4TH ST JUST SOUTH OF CENTRAL. I THEN ATTEMPTED TO TALK TO MR. JACKSON HOWEVER HE WAS STILL BEING VERY VERBALLY ABUSIVE, STATING "FUCK THIS SHIT". I THEN ASKED MR. JACKSON FOR HIS NAME, AND HE STATED "FUCK YOU, I'M NOT TELLING YOU SHIT". OFFICER BRODBECK THEN TALKED TO THE FEMALE, AND SHE REFUSED MEDICAL ATTENTION. OFFICER BRODBECK OBTAINED A STATEMENT FROM THE FEMALE, AND THEN RELEASED HER. I THEN RELEASED MR. JACKSON FROM HANDCUFFS, AND HE THEN STATED THAT HE WAS ROBBED. HE CONTINUED TO BE VERY AGITATED, AND STATED THAT THE FEMALE HAD TAKEN \$20.00 FROM HIM. I ASKED HIM HOW SHE DID THIS, AND HE STATED THAT HE WAS HOLDING HIS \$20.00 IN THE AIR, AND THAT SHE GRABBED IT OUT OF HIS HAND. WHEN I ASKED HIM WHY HE WAS HOLDING \$20.00 IN THE AIR ON THE SIDEWALK, HE STATED HE WAS TRYING TO GET HER TO GO GET SOME DRINKS WITH HIM. MR. JACKSON THEN STATED THAT SHE HAD HIS CELL PHONE, AND STATED THAT HE LENT IT TO HER TO MAKE A CALL AND NEVER RECEIVED IT BACK. MR. JACKSON WAS THEN RELEASED FROM THE SCENE. DONNA STATED TO OFFICERS THAT MR. JACKSON HIT HER IN THE FACE SEVERAL TIMES WITH A CLOSED FIST FOR NO REASON. OTHER UNIDENTIFIED PATRONS OF THE DOWNTOWN AREA ALSO STATED THAT THEY OBSERVED MR. JACKSON TRY TO HIT OTHER UNIDENTIFIED FEMALES IN THE DOWNTOWN AREA.

I THEN WALKED BACK TO MY PATROL CAR LOCATED IN FRONT OF THE LIBRARY BAR, AT THAT TIME I OBSERVED MR. JACKSON WALKING EAST ON CENTRAL HOLDING AN OPEN CAN OF STEEL RESERVE, MR. JACKSON WAS YELLING I A VERY LOUD AND DISORDERLY MANNER "THEY HELPED HER ROB ME, THE POLICE ASSISTED A ROBBERY.". I THEN ORDERED MR. JACKSON TO POUR OUT THE BEER, AND THROW THE CAN IN THE TRASH. MR. JACKSON POURED OUT THE BEER, AND THEN THREW THE CAN INTO THE STREET. I THEN ORDERED MR. JACKSON TO PICK UP THE CAN, WHICH HE DID, HOWEVER HE THEN THREW THE CAN AGAIN. I THEN APPROACHED MR. JACKSON AND ORDERED HIM TO STOP AT WHICH TIME HE THREW DOWN 3 UNOPENED BEER CANS ONTO THE

Subject ~~Complaint~~ FiledMonth
Date

Student Name

7/20/08 E-mail ssstylenyn@yahoo.com

Totals

Present
Absent
Tardy

On or around Tue. 7/15/08 I received letter from RCO. Stating that officer [REDACTED] was found not guilty for failing to turn my property in. On Feb 3 officer [REDACTED] stated he gave property to another officer to have it checked in! Now he states he checked it in and they gave it back to him. No reason given. Secondly, Is that proper procedure? To return it to the officer and not even make a note of what happen to the property. Why it was returned to the officer. Note it for me when I come looking for my property. I know what was in my bag its my bag. There was no reason to destroy it. If another officer destroyed the property isn't that party to a crime. And isn't the people who he say gave him my property back in violation of policy and party to a crime. In addition is there any one in this ring of officer that follow procedure. If and it wasn't the property was spoiled and soiled did why didn't not one officer file a report stating such. Property room has a responsible to report damage, soiled and destroyed property. That is more like what happen. And the conspiracy to deprive me of my property. Now who could think these officer did not violate policy and procedure?

Subscribe and ~~under~~ penalty of perjury
7/20/08 *Ismael D. [REDACTED]*

Treat as
Appeal
[Signature]

WPC 08-08

07-23-08P12:52 RCVD

**ALBUQUERQUE POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
STATISTICAL FORM**

The Internal Affairs Unit is asking the complainant to fill out information requested below.

NOTE: This particular information will not become a part of your complaint. The Albuquerque Police Department is requesting this information for statistical purposes only.

The information contained on this form may be incorporated into the Internal Affairs Quarterly and Yearly Reports. It may also be used to conduct studies or respond to surveys.

STATISTICAL INFORMATION

RACE: White: _____ Native American: _____

Hispanic: _____ Oriental: _____

Black: X Other: _____

GENDER: Male: X Female: _____

AGE: 37

ISSUES, FACTS AND CONCLUSIONS

Officer A

1. Did Officer A comply with §2-08-1, which states:

Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers.

The record shows the allegation is that when the officer arrested the citizen he disposed of the citizen's backpack. The citizen states his backpack contained numerous important papers and personal items.

The officer stated the citizen's backpack had spilled beer and what appeared to be other spoiled items in it. He stated he turned it into the PTC who later returned it to the officer. The officer then asked another officer to dispose of it.

I find this issue to be exonerated.

2. Did Officer A comply with §2-02-2A3, which in pertinent part states

- A. When sworn personnel damage civilian property in the course of their official duties:

...

3. The assigned officer will write a supplemental report detailing the exact damage

A supplemental report was not filed until the citizen's complaint was filed. The report was not timely filed.

I find this issue to be sustained.

Chief Schultz agrees with these findings.

Your complaint and these findings are made part of the officer's permanent record.

You have the right to appeal this decision. §9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the IRO or the Chief may appeal that decision to the POC within ten business days of receipt of this letter. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

CITY OF ALBUQUERQUE



POLICE OVERSIGHT COMMISSION

Linda Martinez, Chair

Ira Rimson, Vice Chair

Matthew Archuleta

Hank Cadena

Scott Carreathers

Bambi Folk

Steve Smothermon

William W. Deaton, Independent Review Officer

July 10,, 2008

Triginal Jackson
ssstylenta@yahoo.com

Subject: CPC # 068-08

Dear Mr. Jackson,

The complaint you filed was received in our office on April 22, 2008. Based on the complaint and our investigation we have determined whether the Standard Operation Procedures (SOPs) listed below have been violated. You will be referred to below as 'the citizen' or by name.

PO Box 1293

A summary of the investigation and my findings are below.

Albuquerque

THE COMPLAINT

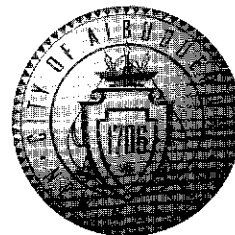
The citizen was arrested downtown. He had a backpack with him. Upon his release from jail no one had his backpack which he claimed contained important papers and personal items. The police report does not list the disposition of the backpack. The officer stated the backpack had some soiled items in it so he disposed of it.

NM 87103

www.cabq.gov

Since the officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance state that these statements will not be made public. I am only allowed to summarize the conclusions I reached from their compelled statements.

Your complaint has been thoroughly and impartially investigated. We make findings based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

POLICE OVERSIGHT COMMISSION*Linda Martinez, Chair**Ira Rimson, Vice Chair**Matthew Archuleta**Hank Cadena**Scott Carreathers**Bambi Folk**Steve Smothermon**William W. Deaton, Independent Review Officer*

August 29, 2008

Triginal Jackson
2703 ½ Valverde Rd. SW
Albuquerque, NM 87105

Re: Notice of Hearing for Appeal to Police Oversight Commission CPC 068-08

Dear Mr. Jackson:

Please take notice that your appeal has been scheduled for hearing before the Police Oversight Commission (POC) on: **Thursday, September 11, 2008.**

The Commission meetings are held the second Thursday of every month and begin at 4:00 PM. The meetings are held in the basement level of the City/County Government Center, One Civic Plaza NW, which is located at the southeast corner of the intersection of Fifth and Marquette NW in downtown Albuquerque.

Pursuant to the *Police Oversight Ordinance*, appeals are set during regularly scheduled meeting times, are subject to the open meetings law and are televised. A copy of the Ordinance is available through the City of Albuquerque website: www.cabq.gov. The agenda will be available at the meeting.

Enclosed are copies of materials pertinent to the appeal as well as a copy of the **Rules for Appeals** on Citizen Complaints. These same materials will be provided to the POC for consideration of the appeal, in addition to the oral presentation by the citizen and the response of any APD officer/representative who may appear. Standard Operating Procedures of the Albuquerque Police Department will be available at the meeting for reference by the parties and POC.

If you are unable to appear at the date and time as stated above, please notify this office in writing immediately. If you do not wish to pursue your appeal, please notify this office in writing.

If you do not appear at the meeting and do not request a delay in writing, your case could be closed without further action. Our fax number is (505) 924-3775. Please contact us if you have any questions or need further assistance in processing your appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read "William W. Deaton".

William W. Deaton

Independent Review Officer
924-3774

CC: Police Oversight Commission
Internal Affairs Unit

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Form **W-9**
(Rev. January 2003)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name Triginal D. JACKSON

Business name, if different from above _____

Check appropriate box: ☒ Individual/
Sole proprietor ☐ Corporation ☐ Partnership ☐ Other _____

Address (number, street, and apt. or suite no.)
1805 W. SHADOW CIL

City, state, and ZIP code
SLC, UT 84116

List account number(s) here (optional) _____

Requester's name and address (optional) _____

☐ Exempt from backup withholding

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

Social security number
3193+812+91438

or

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number
| | | | | | | |

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign
Here

Signature of
U.S. person

Triginal D. Jackson

Date 06-20-08

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Foreign person. If you are a foreign person, use the appropriate Form W-8 (see Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Cat. No. 10231X

Form W-9 (Rev. 1-2003)

Note: For Destruction of Triginal D. JACKSON
Property * Feb 3, 2008, only!

Triginal D. Jackson

Thomas Alder - Claims Advisor to the C.O.A. - 0620-8

2
On Feb. 2, 2008 I was arrested. On Feb. 6, 2008 around 10am I appeared in court with a court appointed PD (Public Defender) I don't know his name, but it is a matter of record. Against my wishes he made motion for Competency Hearing. Defendant in from him that his serves nor the serves of the PD office was needed or wanted. And that the defendant will be proceeding pro-See. Judge Benjamin Chavez Division 13 case no. Cr2265/08 order the competency hearing denied defendant request for release on his on recognizing, bail reduction to a fee the defendant could pay and dismissed of charge that where obviously excess in nature. This attorney did remove his self as the attorney of record, but spoke to the court as a friend of the court against me. This is abuse of power and ineffective counsel.

Defendant did attend competency review and refused to part-take. Reason its obvious defendant was/ is able to stand trial. My newly appointed female attorney which I had already told the court and the PD office that I did not want the services of the PD office forced herself on my case and told me we will do this until you talk to Dr. Lori Martinez with the Department of Health. And have served the time. This violated my rights. My attorney should act upon my wishes not their own and remove themselves from the case if the defendant does not want them. This attorney made her first appearance on or around 02/13/08 and my next trial date was set for 03/14/08 Defendant filed motion with the court mailed as a letter and Judge Valdez could see that I was competent to stand trial although he did not rule on the motion nor the merit of the motion instead asked me to file the motion with the court which he merely could have handed it to the court reporter. When asked why did the the PD office request competency hearing this attorney said I guess. then I objected because court is a fact finding event. Not information that would cause one to assume. Then this attorney moved as a friend to the court the point here is these Pd's refuse to get off the case. I have served 76 days in jail because they don't want to do their jobm, yet they they don't want to get off the the case. I re-filed my motion with the court. Judge Kevin Fitzwater did drop the case. But without prejudice after serving 76 days in jail for office that if were would have been city citations. **These attorneys violated the code of ethics caused me to loses my job, home, saving and property.**

Competency Hearing was slanderous, abuse of power, unnecessary delay in proceedings, breach of client/attorney relationship, attorney request for hearing was with out sound reasoning,

Refusal of the PD Office to remove its attorneys from the case was abuse of power, ineffective assistance, misconduct and violates the defendant first amend. rights of speech, also it violates the 1,4,5,6,8,9,13,14Th amends.

In conclusion defendant had to prove that he could stand trial not because of the DA office but his own attorney. A first year law student could see that these charges were excessive and would have had the ability to get them reduce to citation not state charge or felony charges. No man is guilty without due process of law. Because no one protected the defendants rights the defendant had to do this himself. I did contact both the public defenders office and the Clerk of Court neither proved the names of these attorneys. Thus I re-summit and include the latest copy of the letter sent to both parties.

Subscribe under penalty of perjury.

Oct. 31., 2008

Triginal D. Jackson

Second attempt.



--- On Wed, 7/2/08, triginal jackson <ssstylenya@yahoo.com> wrote:

From: triginal jackson <ssstylenya@yahoo.com>

Subject: Re: FW: filing complaint Could you help me. Just keeping you informed

To: ssstylenya@yahoo.com

Cc: MCallaway@cabq.gov

Date: Wednesday, July 2, 2008, 6:24 PM

Tommy told me to give him a call and I did he said come pick up your check then when I got thier Tommy's playing a game I told Tommy I take my matter to court then. Well thing got little more heated Tommy put his hands on me. He has no right to do that I call 768-3500 and spoke with Tanda Meadors about it she wants to talk to Tommy. Then try to resolve. I want to file suit about the matter. I have talk to everyone about this matter it don't take a rocket scientist to see this some internal game they are playing. I leaned court is no different except sometime there is a Judge that does not play that game. So, I presude filing in court and was told you can't file small claim against the city nor its employees in Metro. Question why is that? Then I cross the street to State court them people told me they have no froms no how to proceed instructions and to get and attorney. That sounds like city don't like being sued. But, you can't arrest a cop and now they are saying you can't sue him. Is thier something wrong with ABQ.. system?

--- On Thu, 6/26/08, triginal jackson <ssstylenya@yahoo.com> wrote:

From: triginal jackson <ssstylenya@yahoo.com>

Subject: Re: FW: filing complaint Could you help me. Just keeping you informed

To:

Date: Thursday, June 26, 2008, 6:12 PM

The result of this complaint is officer was found responsible for my property and Risk mgnt. made offer of 400 dollars for property only. My thing was worth more then that, but I settle. And excluded the vale of the photos. From the property list. Now there seem to be a problem with pay me. I have been told by Risk Mgnt. personnel Tommy Valdez to check in with him on a daily basis about my money. This is costing me more money. I feel he is play a game of how bad do you want your money. I tried thing simple for him by giving him time to get the check process, but instead you keeps withj another day type answer. I offer to call the account office an talk to whom ever is processing the check to get a date of availability. He stated that when dealing with the Gov. this is the process, I do not talk to know one but him. What should I do? And if Tommy resovle this before your response I will let you know. In addition I can,t get and answer from the citizen group as to thier findings. I have asks this threetimes they told me that it was up for review and I would no by fri. last week . But still no answer.

Thank you for your assistance,

Mr. Triginal D. Jackson

--- On Sun, 4/27/08, triginal jackson <ssstylenya@yahoo.com> wrote:

From: triginal jackson <ssstylenya@yahoo.com>

Subject: Re: FW: filing complaint Could you help me. Just keeping you informed

To: lmason@cabq.gov

Date: Sunday, April 27, 2008, 4:50 PM

On 04-26-08 Sgt. Sullivan informed me that officer Vollmer destroyed my property. M. Vollmer stated that he destroyed my property due to bio-hazards. He claim beer was wasted in my gym bag.

A) No beer was in bag.

B) Why is he just now filing a report. After being reprimand

C) Who did he show this to. Bio-hazard

D) How did this get hazard come to exit?

E) In Vollmer own words he state there was 4 cans of beer on the ground had there been any beers in my bag he would have mention them in the complaint because that would be evidence.

F) Had office Vollmer properly place property in storage this would not make his actions questionable.

G) Will Vollmer or APD pay for my property.

H) Due to the proccession of my property, false arrest causing property to be taken from my prosession and the destruction of my property someone is/ should pay for my property.

I) Where was my property kept until its destruction.

When I spoken to Monica in Risk Management she stated she could not refund for my property because I am homeless. These action are the result of officers false imprisonment. not refunding because I am homeless would be discrimination. And cruel.

I was in court the officer did not show as a matter of fact no officer showed 3 officer could have attend they all claim that I did something, but not one of them showed. These were false charges. In addition there was no female alleged victim to appear nor her witness. If i did any of the things these people say I did why did not one of them show. The Judge noted that he seem Vollmer the day of court. Thus why in the building and no appearance? In addition I have a question although we have seen time and time again officers behave in this manner do you feel you have to believe your officer or is the truth more important that a lye?

Triginal D. Jackson

PS. I told Rick Mangement they could reach me by E-mail any where in the county just because I don't have and address at the time of filing does not means I should not be refunded for my lost. The total vaule of my property is around 400 dollars.

--- On Tue, 4/22/08, McCutcheon, Brian <BMcCutcheon@cabq.gov> wrote:

From: McCutcheon, Brian <BMcCutcheon@cabq.gov>

Subject: FW: filing complaint Could you help me.

To: ssstylenya@yahoo.com

Cc: "Apodaca, Patrick K." <papodaca@cabq.gov>, "Vollmer, Matthew" <mvollmer@cabq.gov>, "McRae, Jeremy R." <jmcrac@cabq.gov>, "Bowdich, Joe " <jbowdich@cabq.gov>

Date: Tuesday, April 22, 2008, 1:04 PM

Mr. Jackson,

Our records show that you were booked in to our facility at 9:45 pm on February 3rd of this year. The only property that would have been accepted by our unit would have been property that you could carry on your person, bags of any type would not be accepted. The inventory sheet shows that you were booked in with a watch, wallet (including credit cards, cash, social security card), set of keys, and a pair of gloves.

A review of the video log recorded on that date does not show any type of bag that was carried in by yourself or the officers involved in your arrest.

The incident report of your case is 08-47457. I will forward this inquiry to the officer and his chain of command for further follow up at this time.

Lt. B. McCutcheon

768-6051